REMARKS / ARGUMENTS

The Claims

Claim 21 is currently pending in the application. Claim 21 has been cancelled and Claim 26 has been added. Claim 26 finds support in the specification and therefore does not raise issues of new matter or issues requiring further consideration and/or search. The new claim is being presented in order to place the application in better condition for allowance or appeal. Applicants respectfully request entry.

Claim 21 is objected to as being dependent on non-elected Claim 1. Introduction of new claim 26 renders the objection moot.

Rejections under 35 U.S.C. 112

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite, for the following reasons:

The claim does not include a resolution step that reads back to the preamble. This rejection is moot in view of Claim 26.

The claim contains a recitation of the abbreviation "SCF". This rejection is moot in view of Claim 26.

The claim contains the recitation "modifying sensitivity to cell cycle-specific chemotherapeutic agents". It is allegedly unclear what is being modified, whether modifying means increasing or decreasing the sensitivity, and what compounds are encompassed by cell cycle-specific chemotherapeutic agents. One skilled in the art would understand what compounds are encompassed by "cell cycle-specific chemotherapeutic agents", namely those chemotherapeutic agents which are specific for targets involved in cell division. The remainder of the rejection is moot in view of Claim 26.

Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as the specification allegedly fails to enable the claimed subject matter. It is argued that the specification fails to teach the complete method and does not provide working examples of all the steps required to practice the method. The Examiner also argues that cancer therapy is unpredictable. It is alleged that undue experimentation would be required to carry out the claimed method.

Applicants respectfully traverse the rejection. The claimed method is enabled in view of the teachings in the specification of an antibody which binds an epitope on a receptor recognized by human stem cell factor such that binding of stem cell factor is inhibited. In addition, the antibody was observed to block cell growth stimulated by stem cell factor. With this antibody in hand, one skilled in the art would be able to carry out the step of administering the antibody with undue experimentation. It would be routine for one skilled in the art to vary

parameters such as dosage, schedule and route of administration in order to determine the optimal conditions for carrying out the claimed methods. It would also be routine to identify those cells containing a stem cell factor receptor for use in the claimed method by following the teachings of the specification. One skilled in the art would be acquainted with the available cell cycle specific chemotherapeutic agents and could readily determine which ones could be used in the claimed method.

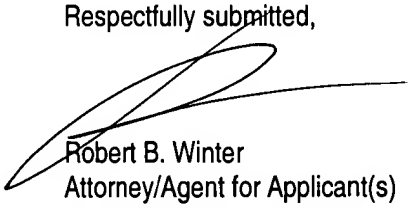
The Examiner's argument that cancer therapy is unpredictable is not relevant since the claims are not directed to treating cancer but to modifying sensitivity to cell cycle specific chemotherapeutic agents. The method of modifying sensitivity to cell cycle specific chemotherapeutic agent may be only a part of a treatment regimen for cancer.

Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

Claim 26 is in condition for allowance and an early notice thereof is solicited.

Respectfully submitted,



Robert B. Winter
Attorney/Agent for Applicant(s)
Registration No.: 34,458
Phone: (805) 447-2425
Date: May 6, 2002

Please send all future correspondence to:

U.S. Patent Operations/RBW
Dept. 4300, M/S 27-4-A
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, California 91320-1799

VERSION WITH MARKINGS TO SHOW CHANGES MADE

... 119), H128 (ATCC HTB 120); and the breast carcinoma cell line DU4475 (ATCC HTB 123), which have been deposited with the American Type Culture Collection, [Rockville, Maryland] 10801 University Boulevard, Manassas, VA 20110-2209. Preferred antigens are the human erythroleukemia cell line OCIM1.

The preferred monoclonal antibodies of the present invention are those designated SR-1, deposited as BA7.3C.9 with the American Type Culture Collection, [Rockville, Maryland] 10801 University Boulevard, Manassas, VA 20110-2209, USA on April 4 1991, and given the Accession Number HB10716.